

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

**DOMINIQUE MIRZA and TARA
LUCHETTI, individually and on behalf of all
others similarly situated,**

Plaintiff,

v.

IGNITE USA, LLC,

Defendant.

Case No. 1:19-cv-05836

The Honorable Charles P. Kocoras

**DEFENDANT IGNITE’S UNOPPOSED MOTION FOR LEAVE TO FILE AN
OVERSIZED MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS**

Defendant Ignite USA, LLC (“Ignite”), pursuant to Local Rule 7.1, hereby moves this Court for leave to file a memorandum of law in support of its Motion to Dismiss in excess of 15 pages. In support of its Motion, Ignite states as follows:

1. Plaintiffs filed their original putative class action complaint on August 29, 2019. Ignite filed a motion to dismiss on October 16, 2019. (Dkt. #16.)
2. Plaintiffs filed a First Amended Complaint on October 29, 2019. (Dkt. #17.)
3. In addition to re-pleading all of the allegations in the original complaint, Plaintiffs’ First Amended Complaint named an additional class member (purportedly a resident of a New York state) and asserts two additional counts based on New York state law. In total, Plaintiffs bring claims against Ignite for breach of implied warranty of merchantability, unjust enrichment, violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”), violations of New York General Business Law (“GBL”).

4. Ignite will be responding to the complaint with a motion to dismiss under Federal Rule of Civil Procedure 12(b).

5. Pursuant to N.D. Ill. Local Rule 7.1, a brief in support of a motion shall not exceed 15 pages without prior approval of the Court. Here, given the many and complex legal issues presented by Plaintiffs' putative nationwide class action—including Article III standing, choice of law, and other issues relating to the scope of different state law statutes—Ignite requires additional pages in the memorandum to fully and accurately present those issues to the Court in its Rule 12 Motion to Dismiss.

6. Accordingly, Ignite respectfully requests leave to file a memorandum in support its Motion to Dismiss not to exceed 25 pages—inclusive of a table of contents and table of authorities—to sufficiently address the relevant legal issues. (Ignite anticipates that the text of the brief, excluding tables, will be approximately 20 pages).

7. On November 24, 2019, counsel for Ignite contacted Plaintiff's counsel to discuss the relief requested herein, and Plaintiff's counsel indicated they do not oppose Ignite's motion.

Wherefore, Defendant Ignite respectfully requests that the Court grant it leave to file an oversized memorandum in support of its Motion to Dismiss not to exceed 25 pages.

Dated: November 26, 2019

Respectfully submitted,

/s/ Jeffrey M. Heckendorn
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CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2019 I filed on the CM/ECF system the foregoing, and thereby served such filing via the Court's ECF Notification system to all attorneys of record in this matter.

/s/ Jeffrey M. Heckendorn